

1
2
3
4
5 UNITED STATES DISTRICT COURT

6 DISTRICT OF NEVADA

7 * * *

8 JAMIE ROSASCHI,

Case No. 3:16-cv-00443-MMD-WGC

9 Petitioner,

ORDER

10 v.

11 HAROLD WICKHAM, *et al.*,

12 Respondents.

13 Before the Court are petitioner's motion to stay proceedings pending decisions in
14 related cases (ECF No. 16), respondents' opposition (ECF No. 19), and petitioner's reply
15 (ECF No. 20). Although one of petitioner's arguments for a stay has become moot, his
16 other argument is a good reason to stay this action. The Court grants the motion.17 Petitioner's first argument for a stay has become moot. He currently has pending
18 in this Court two habeas corpus actions under 28 U.S.C. § 2254: this action and *Rosaschi*
19 *v. Wickham*, Case No. 3:16-cv-00442-MMD-VPC. The Court appointed counsel to
20 represent petitioner in this action. Counsel then asked to be appointed in the other action.
21 Petitioner wanted the Court to stay this action until the Court ruled upon the request in
22 the other action. On June 6, 2017, the Court appointed counsel to represent petitioner in
23 the other action. The request to appoint counsel no longer is a reason to stay this action.24 Petitioner's second argument is a good reason to stay this action. He currently is
25 disputing in the state courts how the Nevada Department of Corrections has structured
26 his sentences. The Court anticipates that if petitioner does not receive relief in the state
27 courts, then he might want to present the sentence-structure claim to this Court. In the
28 interest of avoiding piecemeal litigation, the Court will stay the action.

1 Petitioner also has filed a motion to partially waive Local Rule IA 10-3(e) (ECF No.
2 18), which the Court grants.

3 It is therefore ordered that petitioner's motion to partially waive Local Rule IA 10-
4 3(e) (ECF No. 18) is granted.

5 It is further ordered that petitioner's motion to stay proceedings pending decisions
6 in related cases (ECF No. 16) is granted. This action is stayed pending conclusion of
7 petitioner's post-conviction proceedings in the state courts. Petitioner must return to this
8 Court with a motion to reopen within forty-five (45) days of issuance of the remittitur by
9 the Nevada Supreme Court at the conclusion of the state court proceedings. Further,
10 petitioner or respondents otherwise may move to reopen the action and seek any relief
11 appropriate under the circumstances.

12 It is further ordered that the Clerk of Court will administratively close this action
13 until such time as the Court grants a motion to reopen the action.

14
15 DATED THIS 14th day of July 2017.



16
17 MIRANDA M. DU
18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28